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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/653,523

09/02/2003

Paolo Tiramani

286357-00004-1

3343

7590

05/05/2006

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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	Applicant(s)	
10/653,523	TIRAMANI, PAOLO	
Examiner	Art Unit	
Chapman E. Jeanette	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                             |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)         |
| Paper No(s)/Mail Date <u>9/2/03</u> .  | 6) <input checked="" type="checkbox"/> Other: <u>PATENT COPY WITH ANNOTATIONS</u> . |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejection under this section made in this office action.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 17-18 are rejected under 35 U.S.C. 102<sup>e</sup>(b) as being anticipated by Beighton (6959515) (PCT Publication date 11/30/2000). Beighton discloses a prefabricated house comprising:

1. two or more modules, each module having
2. a frame 4/3, see column 4, lines 25-57
3. each module having one or more multi-frame openings; see figures 7 and 14
4. the modules structured to be joined at one or more multi-framed openings; see figures 7 and 14 and the accompanying text
5. the multi frame openings are enclosed within a covering 18 over the frame
6. the multi frame openings are structured to be converted into openings; see the abstract
7. the multi frame openings include a pair of spaced apart studs; see figures 7 and 14
8. a plurality of cross members extending between two studs; see annotations on patent copy

9. the cross member are coupled to the cross members to support any additional components such as doors and windows; see column 7, lines 27-37
10. modules joined at multi frame openings with the modules disposed in more than one configuration relative to each other. See figure 7.
11. each module includes substantially finished trim. See column 7. It would have been obvious to one of ordinary skill in the art to add any type of trim to provide a finished and completed appearance to the building structure

### **35 USC 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beighton in view of Derman (2070924). Beighton lacks the cross members removably coupled to the studs. Derman discloses a cuboid volume with cross members 35/27 and studs 22/19. The studs are removably coupled to the cross members. It would have been obvious to one of ordinary skill in the art to removably couple the studs to the cross members to allow for a greater degree in variation of size of the room modules as shown by Derman.

Claims 7-13, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beighton in view of Prigmore et al (4779514). Prigmore et al includes a prefabricated unit with foldable panels. One of the modules is a core having a fixed spaced portion 16/18 and a passive space portion 12/14. The fixed spaced portion having non-foldable walls and the passive space portion having foldable panels. See figure 7 of Prigmore et al. the foldable panels are movable from a first closed position to a second open position. The size of the fixed space in comparison to the passive space has been considered a matter of choice. One of ordinary skill in the art would have appreciated making the modules of any dimensions permitting the intended use, function and purpose of the prefabricated unit. It would have been obvious to one of ordinary skill in the art to modify Beighton to include foldable panels and the fixed and passive spaces to permit transport of the prefabricated unit as shown by Prigmore et al.

Regarding claim 9: Beighton discloses the multi-frame opening are structured to be converted into an openings such as windows and doors. See first rejection above.

Regarding claim 10: Beighton discloses modules joined at multi-frame openings with the modules disposed in more than one configuration relative to each other. See figure 7.

Regarding claim 11: Beighton discloses the multi frame opening s enclosed within a covering 18 over the frame and the multi frame openings are structured to be converted into openings. See figure 14

Regarding claim 12-13: see first rejection above

Regarding claim 16: each module includes substantially finished trim. See column 7. It would have been obvious to one of ordinary skill in the art to add any type of trim to provide a finished and completed appearance to the building structure

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beighton in view of Prigmore et al as applied to claim 13 and 12 and further in view of Derman (2070924). Derman is considered in the same manner as described above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

  
JEANETTE E. CHAPMAN  
PRIMARY PATENT EXAMINER  
ART UNIT 3635

# PATENT COPY W/ANNOTATIONS

U.S. Patent

Nov. 1, 2005

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